

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANCISCA PLEINES-HARRIS,)

Plaintiff,)

v.)

NEBRASKA DEPARTMENT OF)

CORRECTIONS, XANN LINHART,)

PAT PENNEY, TERESA SMITH,)

and JOHN DAHM,)

Defendants.)

4:08CV3037

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. Pursuant to the Prison Litigation Reform Act, an imprisoned civil plaintiff must pay the court's entire filing fee, either at the outset when filing the complaint, or in installments if the court grants leave to proceed in forma pauperis ("IFP"). *In re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001). In this case, Plaintiff was granted leave to proceed IFP on March 12, 2008, and the court assessed an initial partial filing fee in the amount of \$0.42 to be paid by April 11, 2008. (Filing No. 7.)

Plaintiff has not paid the initial partial filing fee. Therefore, the plaintiff shall be required to show cause why this case should not be dismissed. Absent a sufficient response, the case will be subject to dismissal, without prejudice, for failure to pay the initial partial filing fee by the court-ordered deadline.

IT IS THEREFORE ORDERED that:

1. The court assessed an initial partial filing fee of \$0.42 to be paid by Plaintiff no later than April 11, 2008.

2. Plaintiff has not paid the initial partial filing fee. Plaintiff has not requested additional time from this court in which to pay the initial partial filing fee.

3. Plaintiff shall have until May 23, 2008 to show cause why this case should not be dismissed for failure to pay the initial partial filing fee. In the absence of cause shown, this case will be dismissed without prejudice and without further notice.

4. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: May 23, 2008: show cause deadline for failure to pay initial filing fee.

April 23, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge